

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Larsen et al. Confirmation No.: 2306
Serial No.: 10/766,057 Art Unit: 1618
Filed: January 28, 2004 Examiner: Melissa Jean Perreira
Customer No.: 21559
Title: RECEPTOR BINDING CONJUGATES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants' representatives, Mr. Paul T. Clark and Dr. Jan N. Tittel of Clark & Elbing LLP and Dr. Thomas Ramdahl of Algeta ASA, conducted an in-person interview of the above-captioned case on November 20, 2009 with Examiners Melissa Perreira and Dameron Jones.

Applicants discussed the arguments set forth in the Applicants' October 9, 2009 reply to the last Office Action issued in this case. In particular, Applicants noted that the dual binding conjugate recited in claim 18 is nonobvious over the combination of the Wedeking (U.S. 6,093,382) and Sinkule (EP 282057) or Wedeking and Goldenberg (U.S. 5,698,178) references because of a lack of expectation of success in generating a dual binding conjugate in which both the non-cytotoxic folate moiety and the antibody moiety of a conjugate containing a radionuclide can target the radionuclide to a malignant cell. Applicants pointed to Examples 5 and 6 of the specification where Applicants provide experimental data showing that both the antibody and the non-cytotoxic folate moieties of the conjugate can target the radionuclide to a malignant cell.

Applicants also pointed to the vast difference in size between a folate molecule

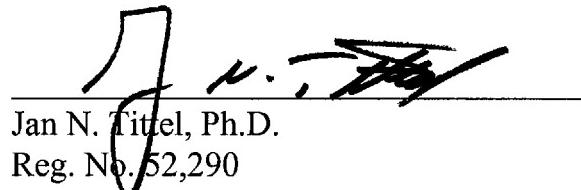
and an antibody molecule and stated that it was unexpected that, given the size differences, that, if present in a conjugate, both components could be used to target the conjugate. On this point, Applicants noted that the art described in the specification indicates that adding a folate to a BSA (bovine serum albumin)–radionuclide complex negatively affected the biodistribution of the complex and, therefore, the skilled artisan, in combining the cited references as proposed by the Examiner, would not have had a reasonable expectation of success. This argument is presented in detail in Applicants' October 9, 2009 reply. Examiner Perreira, at the time of the interview, had not yet considered Applicants' October 9, 2009 reply. She indicated that she would need to do so.

No agreement with respect to the claims was reached.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 9 December 2009


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